IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

THURSDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE P.S. NARAYANA

* * *

WP. No.11214 of 2006

Between:

Noolu Mallikarjuna Rao
S/o.Late Satyam, aged about 45 years,
Occ.Business, r/o.D.No.14-4-14, Mattam Centre,
Samalkota, East Godavari District. … Petitioner

Versus

The Commissioner,
Samalkota Municipality,
Municipal Office, Samalkot,
East Godavari district & Ors. … Respondents

Counsel for the Petitioner: **Sri Medpati Dharma Reddy**

Counsel for the Respondents: **Sri S.Nageswara Redddy**
GP for Roads & Bldgs.

O R D E R :

Heard the counsel.

The writ petition is filed for a writ of mandamus declaring the action of the respondents in giving markings to the petitioner's house bearing No.14-4-14, Mattam Centre, Samalkot without issuing any notice and without following due process of law as illegal, arbitrary, unjust, discriminative and against the principles of natural justice and violative of Article 300-A of the Constitution of India and consequently direct the respondents not to demolish the petitioner's building bearing No.14-4-14, Matttam Centre, Samalkot, East Godavari district without following due process of law and pass such other suitable orders.

The factual details had been well narrated in paras 2 to 5 of the affidavit filed in support of the writ petition and it was also further pleaded that the respondents had not issued any notice alleging that the petitioner is an encroacher of the said land and to evict the same nor the respondents had issued any notice for demolition of the house. It is needless to say that while taking up demolition activity, the respondents are bound to follow the

procedure prescribed under law.

In view of the same, the writ petition is disposed of with the following direction:

> " *The respondents are hereby directed not take-up any demolition activity relating to the subject house in the writ petition in question without following due process of law* "

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JUNE 22nd, 2006. ----------

I s L **P.S. NARAYANA , J** .